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ABSTRACT

In 1997, conservative Texas lawmakers introduced a measure for a state-funded voucher program, which was to be limited to low-income students in the state's lowest performing schools. The real objective of the proposal was to set state precedents for state subsidies for private schools. This proposal never made it out of committee in the Texas Senate, but supporters promised to try again in 1999. This policy brief explores the use of vouchers and their effects. State courts have been inconsistent in rulings regarding the constitutionality of using public funds for private schools, which are not accountable to the public for their actions or results. In addition, diverting money for private schools takes money away from communities, resulting in higher taxes. Vouchers do not give parents a choice as much as they give private schools a choice about whom to accept. There is no extensive empirical evidence to support claims that vouchers, by creating competition, improve the quality of local public schools. In Texas, the private schools do not have the capacity to absorb large numbers of students. Vouchers give a new government subsidy to private schools and wealthy parents with children already in private schools. The Intercultural Development Research Association recommends that public monies be used solely for the support of public schools, and that all students should have access to community-based, equitably-funded, high-quality public schools. Schools that receive state tax monies should be subject to the admissions and reporting requirements applicable to public schools. (Contains 1 table, 3 graphs, and 50 references.) (SLD)

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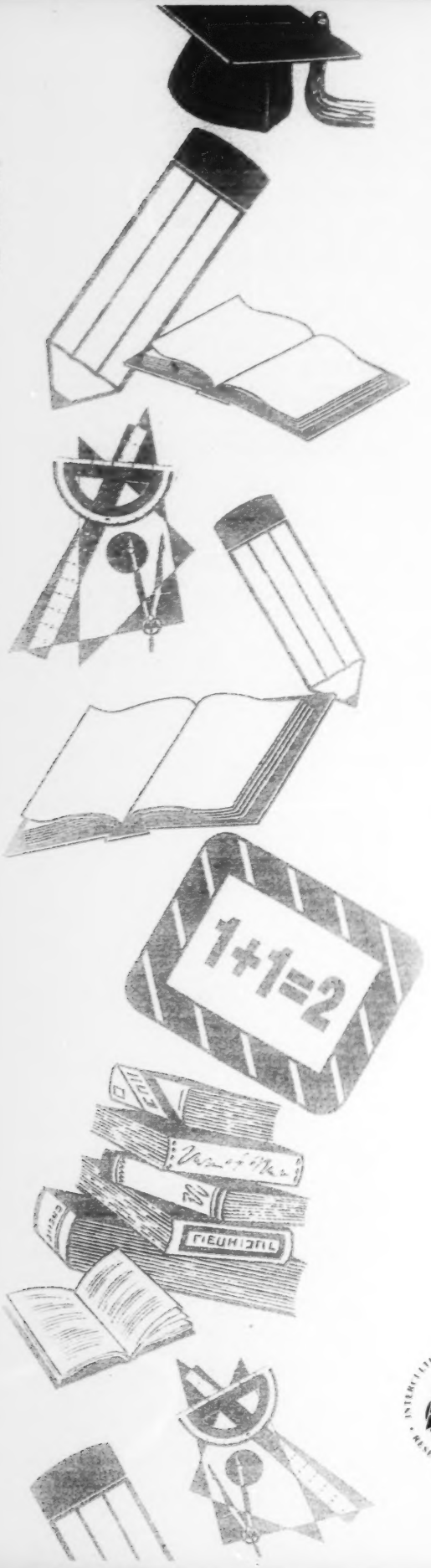

Students for Sale

The Use of Public Money for Private Schooling

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A Policy Brief

IDRA

Intercultural Development Research Association

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UD 033134

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Foreword

This publication is part of a series of policy briefs developed by the Intercultural Development Research Association on four key issues in education. The series is designed to inform community and policy decisions during the Texas legislative session and beyond. Topics in the series are:

- Disciplinary alternative education programs.
- Dropout and attrition rates in Texas public high schools.
- In-grade retention.
- Use of public money for private schooling (this publication).

The series and associated data are available on line at www.idra.org.

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The Context

So much of what happens in our neighborhoods revolves around the local public school. It is where we send our children each weekday morning. It is where children gather after school for scouting, sports and other activities. It is where adults go to vote and to be a part of community events, town hall meetings and other forums. Relocating families and business owners consider the neighborhood schools and their perceived quality before choosing a location.

When the idea of public education in the United States was first conceived, the goal was to get children "off the streets." Later, people saw the value of developing students into capable and productive citizens in the society. A system was developed in which education would no longer be in the private domain enjoyed only by those who could afford schooling. A public schools built for the public interest rather than for the interests of a sponsoring organization. Public schooling has become the cornerstone of freedom, democracy and economic opportunity (National Coalition for Public Education, 1997).

"Vouchers are a serious threat to education."

– Kweisi Mfume, NAACP president (*Baptists Today*, May 8, 1997)

In recent years, a handful of special interest groups have tried to shift the country away from this promise. These groups present various compelling – sometimes contradictory – rationales, but their bottom-line goal is the same: to take public money from public schools and divert it to private schools.

With high-profile personalities and deep pockets, these groups have managed to lead some state policy-makers and concerned individuals to believe there is strong public support for such a radical change. They are mistaken. Voters have repeatedly opposed proposals to support private and religious schools with tax money (Religious Liberty Council, 1997).

Yet in 1999, several state legislatures have considered such proposals, mostly in the form of vouchers that would be given to families to supplement the tuition of a private school for their children. These states include Florida, New Mexico and Texas.

In 1997, conservative Texas lawmakers introduced a measure for a state-funded voucher program. The proposal was described as a small-scale experiment, limited to low-income pupils in the state's lowest-performing schools. Proponents offered it as an alternative designed to expand the educational options of students attending schools where the majority were performing at levels below what the state considered acceptable on state assessments. They argued that students and families residing in under-performing school districts should have a state-subsidized option that would allow them to enroll in private schools within, or outside, their neighborhoods.

Opponents of the concept pointed out that Texas students already had the option to attend other public schools, as well as magnet schools and public charter schools. The real objective of the proposal was to set state precedents for state subsidies for private schools.

Major educator groups were joined by minority education advocates and civic organizations in opposing the voucher proposals.

After extensive and often contentious debates, the Texas House of Representatives deadlocked on the voucher proposal. Due to strong opposition to the concept by a sizable number of state senators, the voucher legislation never made it out of committee in the Texas Senate.

However, encouraged by the support they received from a handful of representatives in the House, voucher proponents indicated that they would try again in the 1999 Texas legislative session. In March 1999, several such voucher measures were, in fact, proposed.

In the meantime, the 1998-99 school year has been one of changes for the Edgewood Independent School District (ISD) in San Antonio. Last year, the private Children's Educational Opportunity (CEO) Foundation initiated a program that provides vouchers to students in low-income families in the district to attend private schools. A total of 2,202 applications were requested, 988 were approved, and 600 students received vouchers and enrolled in private schools.

What are vouchers? Why are they being promoted as an alternative to the current public school system in Texas? Who are the major proponents of this idea? What effect do vouchers really have on public schools?

These and other important questions are addressed in this policy brief, which is part of a series developed by the IDRA Institute for Policy and Leadership on four key issues in education. The series is designed to inform community and policy decisions during the Texas legislative session and beyond.

"Taking something as important as the education of our children away from our neighborhoods takes away our most precious resource – children – and gives it to business people whose main goal is profit. Suddenly, we will have no say in how or how well our children are educated."

– Corinne Sabo, The Coalition for Public Schools
(Letter to the Editor, *San Antonio Express-News*, October 10, 1998)

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Recommendations

- Public tax revenues should be used solely for support of public schools.
- Public policy should support and sustain the concept that investment in neighborhood public schools is investment in communities.
- *All* students should have access to community-based, equitably-funded, high-quality public schools.
- Schools that receive state tax monies should be subject to the same admissions and reporting requirements applicable to public schools.
- All publicly-funded education should strictly adhere to constitutional requirements related to separation of church and state.
- All publicly-funded education systems must be accountable to publicly-elected citizens from the community that they serve.

"The best way to strengthen public schools is to strengthen public schools."

– Dr. María Robledo Montecel, executive director, Intercultural Development Research Association (*IDRA Newsletter*, October 1998)

"Our background paper provides research evidence that the most important choice students can make is not the type of school they go to – public or private – but the academic courses they take. This is why I am always perplexed that voucher advocates almost never talk about how to improve reading, how to improve teaching, how to raise academic standards or how to fix crumbling schools... Public tax dollars ought to be spent to improve reading and math, to improve the skills of America's teachers, to get computers into the classroom, to renovate and build new schools – to make sure that high school diplomas really mean something."

– Richard Riley, U.S. Secretary of Education (Remarks at the National Press Club, September 23, 1997)

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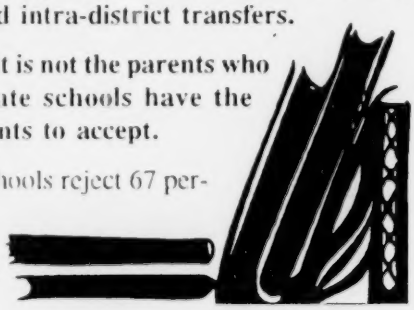
Findings at a Glance

- **State courts have been inconsistent in rulings** regarding the constitutionality of using public monies to support private schooling. U.S. Supreme Court rulings have required strict criteria to ensure that public funds do not subsidize religious instruction.
- **Diverting public money for private schools takes money away from communities, resulting in higher taxes for homeowners and businesses in the community.**
- **Private schools are not accountable to the public for their actions or results.**
  - ✔ Most private schools do not support public application, reporting and accountability requirements that are applicable to local public schools.
  - ✔ Though often initially limited to nonreligious schools, religiously affiliated schools are eventually included in voucher programs.
  - ✔ Voucher programs tend to attract the most academically successful students, students whose families have higher levels of education and those whose parents are most actively involved.
  - ✔ There is little evidence that private schools can effectively serve large numbers of special needs pupils (special education, limited-English-proficient, immigrant and migrant pupils), and there is extensive data that most private schools exclude pupils with special needs.
  - ✔ Private schools are often staffed by personnel with fewer credentials and experience than those in public schools, and only a percentage are accredited by an external review group.
  - ✔ Critical data about voucher recipients and their peers in private schools is neither required or reported. For the CEO Foundation voucher program in San Antonio, limited data was available on demographics of students, and no comparable data was available on student achievement.
  - ✔ There is no state accountability system in Texas established for private schools that receive public money.
- **Students already have education options within the public school systems through magnet schools, charter schools, inter-district transfers and intra-district transfers.**
- **With a voucher program, it is not the parents who have a choice. The private schools have the choice about which students to accept.**
  - ✔ On average, religious schools reject 67 percent of all applicants. Elite private schools reject nearly 90 percent of applicants.

"There are a number of wealthy individuals who have their own private agenda. People are talking about proposed legislation to have a pilot project. There is no need for a pilot project with tax dollars. Texas can't afford to pay for private school tuition."

– Carolyn Boyle, coordinator, The Coalition for Public Schools (*San Antonio Express-News*, April 25, 1998)



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- ✔ Out of 13,500 Edgewood ISD students, 600 received vouchers and enrolled in private schools for the 1998-99 school year. The CEO Foundation reports that there were more than 2,202 applications.
- ✔ Edgewood ISD students who were identified as not being in "at-risk" situations were overrepresented as CEO Foundation voucher recipients.
- ✔ The students who received vouchers had outperformed non-voucher recipients on the Texas Assessment of Academic Skills (TAAS) while enrolled in Edgewood ISD the previous year.
- ✔ Edgewood limited-English-proficient (LEP) pupils were underrepresented among CEO Foundation voucher recipients. Only 16.9 percent of voucher recipients were LEP, compared to a 22 percent LEP enrollment in Edgewood ISD as a whole.

Voucher programs do not significantly improve educational achievement of students.

- ✔ Despite claims to the contrary, there is no extensive empirical evidence that vouchers create competition that in turn improves the quality of local public schools.
- ✔ There is emerging evidence that for-profit educational ventures under-serve or exclude students with special needs.

Private schools in Texas do not have the capacity or capability to absorb large numbers of poor students.

- ✔ In Texas, voucher proponents conceded that *as currently operated* Texas private schools could absorb no more than 1 percent (30,000 of the 3.4 million) of students enrolled in public schools

Private schools would have to change in order to be eligible to receive state funding.

- ✔ While some private schools are willing to accept voucher funding, most will reject any attempts to impact their student selection policies and practices.

The main proponents of vouchers are the same forces that have historically opposed equal funding for all students.

Vouchers would give a new government subsidy to private schools and wealthy parents with children already in private schools.

- ✔ While touted as small-scale alternatives to public education, vouchers are ultimately intended to replace public schools with private, for-profit operations.

Investing in neighborhood public schools is investing in communities.

"Ultimately, a voucher scheme would hurt poor minorities. It would create an economically multi-tiered school system, that would become even more racially segregated. Voucher supporters should stop hiding behind free-market theories. Instead, they should work for equal and sufficient funding for public schools that taxpayers can hold accountable to serve all children."

– René Lara, Texas Federation of Teachers
(*San Antonio Express-News*, November 20, 1998)

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The National Picture

Origins of Public Education in the United States

Public education in the United States experienced the evolution of a unique tradition where *universal, publicly-funded education* came to be considered as the foundation for creating and sustaining a democratic society. Education became a primary responsibility of the states, and most states incorporated those responsibilities in their state constitutions. Thus, education in this country evolved not as an individual responsibility, but one reserved for state governments.

Over time, states decentralized these responsibilities by delegating some authority to local communities. An underlying assumption of community- and neighborhood-based schools was that the opportunity for students and families to interact and converge in a public forum would strengthen the social fabric of the country.

Vouchers represent a radical departure from these democratic traditions. Rather than being concerned with principals of democracy and educational opportunity, they are based on assumptions of individual benefit, profit and economic theory.

Purpose of Vouchers

Key voucher proponents have stated that their ultimate objective is to eventually re-allocate public tax monies from existing neighborhood schools to private, non-public educational providers (Nazareno and Cisneros-Lunsford, 1998). At the national level, the originators of the voucher idea never perceived it as a simple experiment to encourage public schools to improve. In the eyes of early proponents, vouchers were a fundamental shift in the ways that public education was funded and a means of totally restructuring how education was organized and supported throughout the country.

"The most American thing about America is the free school system."

– Adlai E. Stevenson
(quoted in *Bryan-College Station Eagle*, May 5, 1997)

In contrast to the century-old concept of a neighborhood institution where members of all levels of a community pooled their resources and came together to subsidize the education of local youth, original voucher proponents would change the focus from funding neighborhood schools to providing funds for individuals to "shop" for education wherever they desired.

The notion that vouchers would expand opportunities for low-income families and provide incentives for public schools to improve came along decades later. Faced with strong opposition to the dismantling of neighborhood-based publicly-supported schooling, voucher proponents essentially *repackaged* their market-driven model in order to make it more politically palatable and seemingly less "anti-democratic" by appealing to more altruistic ideals. Training materials for promoting voucher programs even coached proponents to downplay free market notions and to use minority and low-income arguments to neutralize

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opposition from certain sectors (Nathan, 1999). Despite the carefully crafted veneer, vouchers are ultimately designed to serve as a replacement to the way schools in this country are structured, organized and financed.

In states where voucher proponents are moving to expand voucher plans, the proponents include religious groups (both moderate and conservative), religious school advocates, conservative politicians, parents with children already enrolled in private schools and other elements that probably differ on many other issues but collaborate on voucher efforts. For a list of states experiencing pro-voucher activity see the IDRA web site (www.idra.org).

Voucher proponents are supported by an array of conservative think tanks including the Institute for Justice, based in Washington, D.C., and the Center for Education Reform, which acts as an information clearinghouse for voucher proponents. Voucher proponents also include state-based organizations that were specifically created to promote state-level voucher plans. In Texas, these include the Texas Center for Public Policy Analysis, the Texas Justice Foundation and Children First.

Opponents of vouchers often include organizations of public school teachers and administrators but also include local community-based advocacy organizations, research and advocacy groups, civil liberties groups, legal organizations, parent groups and those dedicated to maintaining the separation of church and state. Moreover, opposition has been noted from segments of religious groups who fear dangerous precedents involving intermingling of church and government, as well as those concerned about equity in education (see page 34 for list).

"I would be the first to admit that there are some on the pro-voucher side who want to go too far with this issue. As I have stated many times, however, I cannot and will not support anything more than a limited, restricted pilot program open to all who qualify. I will strongly oppose any plan that would allow parents of wealthy students attending private schools to participate or would allow participating free schools to discriminate as to who they accept."

– Senator Teel Bivins [R-Amarillo] *(Texas Lone Star,* June 1998)

The CEO-Edgewood Voucher Program

For more than two decades public school advocates have struggled so that all students – including those in poorer school districts and including students who are minority or economically disadvantaged – can have high quality neighborhood schools that work for *all* children. San Antonio is the place where the battle for school equalization in Texas was born with the *Rodriguez vs. San Antonio ISD* case and the series of *Edgewood* school funding cases. This community was at the front of what turned out to be a hard and often bitter fight that has continued for 25 years – the fight to assure that children in this and other communities like it would not continue to suffer under a bad and unjust system of financing schools.

Now that we have finally begun to see the fruits of those efforts – just as funding has become more equitable and our public schools have begun to improve – we see a new attack on our neighborhood public schools, an attack being led by voucher proponents that is placing Edgewood ISD in the national spotlight.

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In 1998, the Children's Educational Opportunity Foundation (CEO Foundation) held a press conference announcing that it would contribute $50 million to low-income families living within the boundaries of the Edgewood ISD for their children to attend private schools over the next 10 years. The CEO Foundation did so with little or no meaningful conversation with the school district.

The foundation is financed by a small group of wealthy men, including Dr. James Leininger, a San Antonio physician who is Texas' largest donor to political campaigns and arch-conservative causes. Dr. Leininger contributed $45 million of the total $50 million for the CEO Foundation's voucher program in Edgewood ISD, making it the nation's largest such program.

With promises of financing the private school tuition cost for any qualified student, the foundation's Horizon Scholarship Program made a commitment to pay 100 percent of the tuition charge of a private school for a child for up to 10 years, with a maximum of $3,600 per yaer for students in grades kindergarten through eight and $4,000 per year for students in grades nine to 12. Qualifying criteria include that the students (kindergarten through 12th grade) live in the Edgewood ISD and meet the income levels for the federal free or reduced price lunch program.

The CEO Foundation announced that it received 2,202 applications for the voucher program, and 988 were approved to receive a voucher. Of those, 600 students enrolled in other schools (Aguirre, 1999). This means that only 27 percent of those who received applications actually ended up in private schools. Why 39 percent of the students approved for a voucher did not enroll in private schools is unknown, and finding out is close to impossible given the lack of public access to private school data.

The CEO Foundation touts its 10-year commitment to any student who wants and qualifies for a voucher, but when pencil is put to paper, that commitment would translate to a maximum of 1,315 students ($50 million divided by $38,000 [an average of $3,800 per pupil per year x 10 years]) being able to participate over the life of the program. This in turn means that no more than 10 percent of Edgewood ISD's 13,500 pupils would receive a voucher at current funding commitments. Furthermore, this maximum pupil capacity is an overestimate since the rate of inflation is not factored into the equation.

"There is little doubt in my mind that vouchers, and the array of schools that would be created by them, would threaten the possibility of that unity we seek in this pluralistic society called the United States of America."

– Tony Campolo, sociology professor, Eastern College ("Vouchers Threaten Unity," *Baptist Joint Committee Newsletter*)

In the CEO Foundation voucher application process, students must first navigate the private school system's application process, with the "choice" of whether or not that student is accepted *lying solely* with the school. Students with special characteristics, such as limited English proficiency, are not readily accepted into the private school realm. Once accepted into the school, the student can receive the voucher but still has to deal with transportation and uniform costs, at a minimum.

The characteristics of those students ("CEO students") choosing to leave the program and return to a public school are of interest to many

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people who have been following the news of this program. Results of IDRA's analysis of the student characteristics are presented later in this policy brief.

Litigation Involving Vouchers

Those who oppose or have reservations about vouchers have expressed many concerns, including the numerous legal aspects of the issue. In states where legislatures have adopted voucher plans, individuals and groups have filed suits challenging the legality of those initiatives. To date there have been suits filed in Arizona, Georgia, Maine, Ohio, Vermont and Wisconsin. State courts in Wisconsin and Ohio have issued two distinct and apparently contradictory decisions. Additional litigation is pending, and it is anticipated that the issue will ultimately be decided by the U.S. Supreme Court.

"When voters have taken a closer look at vouchers, they've consistently turned thumbs down. Since 1966, voters in state referenda have rejected parochial aid proposals 20 times."

– First Freedom, a Newsletter for Advocates of Religious Liberty, Fall 1997

The legal questions are complex and difficult. While a body of case law related to use of public monies to fund education in private settings is emerging, some voucher proponents claim that there has been no truly precedent-setting decision that can be used to guide state or national legal deliberations on the question.

Yet in the 1971 *Lemmon vs. Kurtzman* case, the U.S. Supreme Court concluded that federal money could be used to provide educational services to students enrolled in private and sectarian schools. The case is considered a landmark case in its departure from earlier rulings forbidding the use of federal tax revenues to support educational services provided in private and religious school settings. While allowing some public funding for services provided to private schools, the case established three criteria that are seen as the litmus test by which related measures are judged (NCPE, 1997). The Supreme Court's three criteria include:

- ✔ does the legislative action have a secular purpose?
- ✔ does its primary effect neither advance nor inhibit religion?
- ✔ does the action create excessive entanglements between government and religion?

The National Coalition for Public Education (NCPE) comments:

> Although the Supreme Court has yet to rule on vouchers per se... in a similar case (*Committee for Public Education and Religious Liberty vs. Nyquist*, 1973) the high court held that grants and tax benefits (supporting attendance at private religious schools) had the unlawful effects of advancing religion because the aid unavoidably would be used to fund sectarian activities, even though the financial benefits flowed through the parents (NCPE, 1997).

According to NCPE, "Voucher advocates inaccurately claim that several Supreme Court decisions support the constitutionality of vouchers," including *Mueller vs. Allen* in which the court ruled that granting state tax deductions for tuition, materials and transportation expenses was acceptable. The NCPE points out that *Mueller* involved benefits

"School-voucher initiatives are serious attempts to advance the theory that the education of children should no longer be primarily a public responsibility. To subordinate public education to market theories which are, by nature, more algebraic than public-spirited is to treat our youth as jobs up for bid rather than as citizens of a republic."

– Steven Jennings, president of the North East Federation of Teachers in San Antonio (*San Antonio Express-News*, January 25, 1995)

that were available to public and private school students and that only an "unattentuated financial benefit flowed to parochial schools" (NCPE, 1997).

In the Wisconsin case; *MTEA vs. Benson*, the Wisconsin State Supreme Court overturned the Appeals Court decision on a 4-2 vote and concluded that the Wisconsin voucher program met all three criteria of the *Lemmon* case and thus did not violate state or federal provisions related to the separation of church and state. As a result, the program will be expanded from 1,500 pupils attending private nonsectarian schools to include 15,000 low-income pupils who may enroll in private *and* religiously affiliated institutions (PFAW, 1999).

Concerns with private school compliance in the Milwaukee voucher program recently surfaced. The NAACP has filed new litigation charging that many Milwaukee private schools that receive voucher funding have violated the random selection requirements by continuing to use screening criteria. Such possible violations include providing preferences for siblings of former private school pupils and parishioners and giving some families advantages over public school candidates.

The Ohio state courts thus far have taken the opposite view from the Wisconsin courts. In *Simmons-Harris vs. Goff*, the Court of Appeals issued a ruling striking down the Cleveland voucher program on the contention that it violated the constitutional provision relating to the separation of church and state. The State Supreme Court has agreed to hear the case but has allowed the program to continue to operate until it has reviewed and ruled on the case (Boyer, 1997).

In Arizona, litigation was filed in *Kotterman vs. Killian* challenging the constitutionality of the private school voucher tax credit law. Arguments have been presented at the state court level, and a decision is pending (PFAW, 1999).

In Pennsylvania, a case is challenging a local school district's decision to provide public school funding for students to attend local private schools. In *Giacomucci et al. vs. Delco School District*, plaintiffs are arguing that the action violates state and federal constitutional provisions (PFAW, 1999).

In Vermont and Maine, voucher proponents challenged rulings that limit use of state-funded vouchers to nonreligious public schools. In those two states, voucher programs have been in place that provide vouchers to rural residents to help subsidize attendance at private sectarian schools. Religious school officials, unhappy with that exclusion, have filed litigation attempting to force state officials to expand eligibility. In a recent decision, the Maine Supreme Court ruled that providing funding to religiously affiliated private schools violates that state's constitution.

Though many cases on recent voucher programs are still making their way through the courts, the various decisions suggest that voucher programs must be carefully crafted to withstand legal scrutiny.

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Findings Examined

Major Proponents of Vouchers

In IDRA's research on school vouchers, one of the earliest insights was a recognition that many distinct groups with differing interests have come together to support the voucher issue. As such, the voucher effort is not a uniform, monolithic body. It is a converging of many interests. Research indicates that the issue has been "created" by a small number of wealthy individuals who have orchestrated subsidized efforts through a variety of groups.

The shared objective of these diverse interests is the radical turnover of education by taking public tax money (be it federal, state or local) that currently is used for local public schools and channeling it to private schools through families. Though voucher proponents seldom state it openly, such a change would require the dismantling of the public education funding system as we currently know it, because it would impact the students and the funding that are presently concentrated in public schools.

Though the ultimate purpose is the eventual reallocation of public monies, the rationale for support of vouchers by its proponents varies across the groups who support the overall concept.

- **The Private School Constituents –**

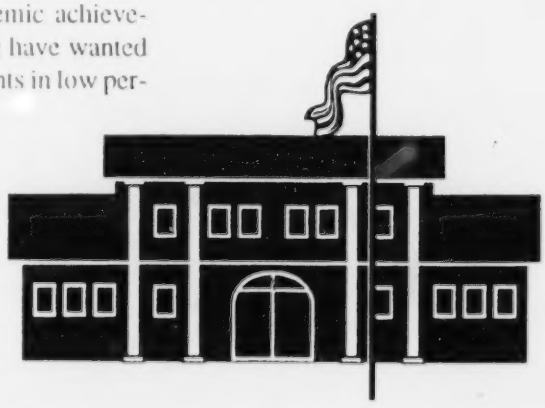
  Vouchers as New Sources of Funding for Students Currently Enrolled or Wanting to Attend Private Schools

  For many private schools and their proponents, vouchers are simply a way of getting money into the hands of the parents who *already* have their children enrolled in private schools. Private school proponents also see vouchers as a means of expanding the pool of prospective students – by making private schools more affordable to more students.

- **The School Improvement Constituents –**

  Vouchers as a Means to Spur Public School Improvement

  Citing less than acceptable levels of student academic achievement in selected schools, some voucher proponents have wanted to expand the options available to low-income students in low performing schools.



- **The Save-the-Few Advocates –**

  Vouchers as a Lifeboat for Small Numbers of Poor and Minority Students

  This group includes a small number of minority parents and their advocates who are disillusioned with their local public school. They believe a private school would be automatically better and want public funds

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to subsidize their tuition, regardless of the impact on their neighbors.

- **The Free Market Proponents –**

  Vouchers as Competition

  Another group of voucher supporters the use of school vouchers for very different reasons. For them, education should operate like a business, with the assumption (as yet unproven) that the mere opening of schools to competition will force schools to improve – or go out of business as they lose their student base. Free market proponents often couch their arguments as providing choices or alternatives to public schooling. A variation of this concept includes ideas like Whittle schools and the Edison Project where external management groups contract with schools to take over management responsibilities.

- **The Privatization Advocates –**

  Vouchers as a New Funding for a New Market Niche for Business

  For a subgroup of voucher proponents, the abandonment and disenfranchising of public schools is seen as a critical part of a larger scale move toward privatizing education, that is providing educational services for *profit-making purposes*.

Given these rationales, what can one say is the whole purpose of voucher proponents? As is obvious from the preceding discussions, that purpose varies, depending on whom you are asking. While armed with differing agendas, voucher proponents do share that common goal of diverting public money from public schools and making it available to private institutions rather than publicly-accountable school districts.

"Polarization, uncertainty and inequity can erode a community. When private schools fail, misuse funds and find ways to avoid working with students they find undesirable, communities become disheartened and even less willing to believe that their leaders and elected officials really care about the future of their children."

– *Mobilization for Equity*, National Coalition of Advocates for Students (February 1998)

Diverting public money for private schools takes money away from our communities resulting in higher taxes for homeowners and businesses in the community.

Publicly-funded voucher programs shift taxpayer funds, but they do not actually cause a reduction in spending. In fact, education costs can rise because of the expense of transporting students to their new private schools, providing mandatory special education programs at private schools, administering the programs and monitoring how public funds are being spent. With less money available for children in public schools, local school boards will be forced to run neighborhood schools with fewer resources. Fixed costs for building maintenance, cafeterias, utilities and buses will have to be covered somehow, most likely with increased taxes.

The voucher program in Milwaukee has resulted in sizable financial losses to public schools, to taxpayers and to participating families themselves. The Wisconsin State Department of Instruction unofficially

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"Vouchers and other schemes to funnel government aid to church schools are bad ideas for several reasons: Government controls what it supports. If the government provides funding – directly or indirectly – to church schools, rules and regulations are sure to follow. [Also] special deals for education violate the public trust. They undermine public education – arguably the most important natural resource for the nation's future – by enabling the middle-class to abandon those schools, creating an educational ghetto."

– Marv Knox, associate editor of *The Baptist Standard* (*The Report From Capital*, September 3, 1996)

estimates that public schools will lose up to $29.4 million. This is a sizable loss for the 100,000 students remaining in public schools in order to provide vouchers for 6,000 students (PFAW, 1998). Wisconsin state law allows for increasing property taxes to make up the difference. The school board is proposing a $141 per year increase for owners of $100,000 homes (Texas Freedom Network, 1999).

Families participating in the Milwaukee voucher program have found themselves paying for "hidden costs" such as high registration fees, books, uniforms and transportation. Some students have had to leave the program due to these additional expenses. According to the *Milwaukee Journal Sentinel*, attrition rates have been as high as 46 percent for first year participants and 28 percent for fifth year students (Texas Freedom Network, 1999).

Cleveland's voucher program was adopted as part of the Ohio state budget in 1995. The program went into effect in the fall of 1996. The program is riddled with hidden costs that have resulted in yearly budget shortfalls. It began with $5 million and had to be doubled in 1998. Yet in 1997, the program was over budget by 42 percent, requiring the governor to request a state $4.8 million bailout. In 1998, there were $8.1 million in unexpected costs (Theis and Skertic, 1998). Beginning in 1997-98, the program had to address transportation problems costing $1.4 million – an average of $18 a day per student (Theis, 1998). There have been other hidden costs as well, including program expansion, increases in tuition and unforeseen administrative costs.

Due to the privately-financed voucher program in San Antonio's Edgewood ISD, the district lost between $4 million and $5 million in one school year – more than 9 percent of its operating budget (Nazareno and Cisneros-Lunsford, 1998). The district is currently reviewing options to reduce expenses, including closing three elementary schools.

In the United States, if a voucher program was implemented today that was open to all students, it would cost taxpayers more than $15 billion to pay the tuitions of the 5 million students *already* enrolled in private schools. Billions of dollars will be needed just to accommodate the 1.9 million additional students NCES projects will be enrolled in public schools in 2007 (NCES, 1997).

There is no doubt that low-income, linguistically different and other pupils who do not fit a White middle-class mold are not adequately

"There can only be competition where the 'competitors' play by the same rules. Currently, public and private schools do not play by the same rules. Public schools must educate all resident students; religious schools reject approximately 67 percent of applicants, and elite private schools reject approximately 90 percent, only accepting the students who have the best chance of succeeding at their schools."

– Bob Chase, president, National Education Association *(The Washington Post,* July 1997)

served in today's public schools. However, the best way to fix the shortcomings seen in today's public schools is to strengthen those schools and then hold those community schools accountable for producing results.

"As a shareholder in our state school tax dollars, I ask this question: why should we allow our tax dollars to be used in private schools where they are not required to follow rules mandated for Texas public schools?"

– Gehrig M. Saldana, state correspondence secretary, Texas LULAC (Letter to the Editor, *San Antonio Express-News,* September 26, 1998)

Private schools are not accountable to the public for their actions or results.

Unlike public schools, private schools are not accountable to the state whose money they accept. This opens the door to fraud and puts children at risk. Generally, private schools are allowed to ignore state laws requiring open records and meetings, hiring certified teachers, releasing employee wage information and revealing test scores, dropout rates and other forms of evaluating achievement. They are exempt from free speech, due process and nondiscrimination regulations based on gender, marital status, pregnancy and sexual orientation (Rethinking Schools, 1998).

When a student in Milwaukee complained of racial bias in her private school, she was barred from re-enrolling. When challenged, a federal court in Milwaukee reaffirmed that private schools are not subject to the civil rights requirements that public schools adhere to.

A number of schools with no prior educational history have cropped up in Milwaukee specifically to take advantage of voucher money. The Wisconsin Education Association Council reports that at least four of these new schools have committed outright fraud, resulting in three schools closing and one school with dramatic reductions in enrollment (Gunn, 1996). Although regulations limit schools to admitting only 65 percent of students with vouchers, one school admitted 100 percent, falsifying records to report otherwise. The school director also wrote bad checks worth $47,000 and falsified teachers' certifications (Gunn, 1996). Ultimately, the students lost valuable education time and were returned to the public schools.

Furthermore, in its analysis of the CEO Foundation voucher program in San Antonio, IDRA learned that critical data about voucher recipients and their peers in private schools is neither required or reported. Limited data was available on demographics of students, and no comparable data was available on student achievement. There is no state accountability system in Texas established for private schools that receive public money.

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Students already have education options within the public school systems through magnet schools, charter schools, inter-district transfers and intra-district transfers.

Voucher pressures have not been the only basis for local and state educational reforms. Many groups have sought to expand the educational options available to pupils through the creation of alternatives within the public school setting. For years desegregation advocates supported and have implemented *magnet school programs* that provide opportunities for students to attend schools outside of their local communities.

More recently, federal and state policy-makers have supported the creation of *public charter schools*. Charter schools usually involve the creation of semi-autonomous schools that operate under their own charter. They are often subjected to fewer state and federal regulations, but remain accountable to a publicly-elected board.

In addition, many states have expanded their public school choice efforts to support *inter-district (within a district) and intra-district (across districts) transfer options* that allow pupils to attend any public school in a geographic area. Some states provide full funding to cover tuition and fees and also provide supplemental funding to help offset transportation costs, and at times create financial incentives for accepting transfer pupils. In Texas, the program is referred to as a Public Education Grant (PEG).

In addition to magnet schools, charter schools and transfer opportunities, public schools have created *specialty schools that offer open enrollment options* to students interested in fine arts, health careers, business or technology. These specialty public schools appeal to those wanting to develop early expertise within curricular areas and have been successful in providing students and parents alternatives that foster and support academic and career goal development.

"Neighborhood schools are <u>your</u> schools, and if today, they are restricted or insufficient it is largely because we have had to fight for equity and for our children's rights at every turn. And if today, your neighborhood schools are not what you want, fight to make them better because they are <u>yours</u>. Private schools are not."

– Dr. María Robledo Montecel, executive director, Intercultural Development Research Association (Speech, March 1999)

With a voucher program, it is not the parents who have a choice. The private schools have the choice about which students to accept.

Many proponents of using public money to subsidize private education couch the plan as one involving school choice – or selection of schools by parents from a larger pool of alternatives. But, the so-called choices are often limited alternatives for some and unlimited alternatives for others.

In Texas, vouchers would have to be funded at $10,000 or more per pupil – more than twice the state average per pupil funding level – to provide unlimited alternatives for all Texas school children. To provide the level of funding needed for any Texas student to attend *any* school would double and perhaps triple taxes for all Texas residents. But voucher proponents would probably acknowledge that they do not support providing such high levels of support per pupil or *unlimited* choices.

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Many Texas voucher proponents would agree that they would be satisfied if the state would subsidize a portion of the cost of a private school education, with the remainder to be paid by a child's parents. What if parents cannot afford to make up the difference between the value of the education voucher and the real tuition and additional fees at a private school? The answer is that the parents would have to send the child where they can afford to send them, depending on whether the school they could afford chose to accept their student.

In the first year of the voucher program in Cleveland, about half of the students awarded vouchers were unable to use them to enroll in private schools because the private schools denied children entrance either because of lack of space or because the child did not meet school requirements (Metcalf, 1998).

The National Education Association reports that, on average, religious schools reject 67 percent of all applicants. Elite private schools reject nearly 90 percent of applicants (NEA, 1999).

The CEO Foundation announced that it received 2,202 applications for the voucher program, and 988 were approved to receive a voucher. Of those, 600 students enrolled in other schools (Aguirre, 1999). This means that only 27 percent of those who received applications actually ended up in private schools. Other findings include the following.

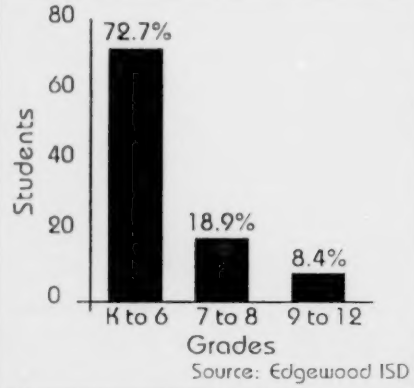
What Edgewood ISD schools did the voucher recipients come from?

Finding: The greatest number of voucher recipients (86 percent) were enrolled at the elementary level.

Students who received vouchers were enrolled at all grade levels. Two trends have emerged:

- Most (72.7 percent) of the students who received vouchers were from elementary schools, with only 3.4 percent of the students coming from high schools. See box at left.
- The highest percentages of students, by grade, were from the sixth grade (14.1 percent), second grade (13.8 percent), seventh grade (12 percent), and third grade (11.6 percent). See box on next page.

Percentage of Voucher Recipients by Elementary, Junior High, and High School Levels in 1997-98



Source: Edgewood ISD

Finding: CEO Foundation voucher recipients were originally enrolled at public schools from throughout the district; however, the numbers varied significantly from campus to campus. The number of students – as a percentage of the school enrollment – lost in the elementary schools varied from a low of 1.43 percent at Burleson Elementary School to a high of 11.8 percent at the José A. Cárdenas Center.

The box on Page 18 shows the percentage of students who received vouchers and enrolled in private schools, by their 1997-98 Edgewood ISD campuses. The highest percentage of CEO Foundation voucher recipients were enrolled at H.K. Williams

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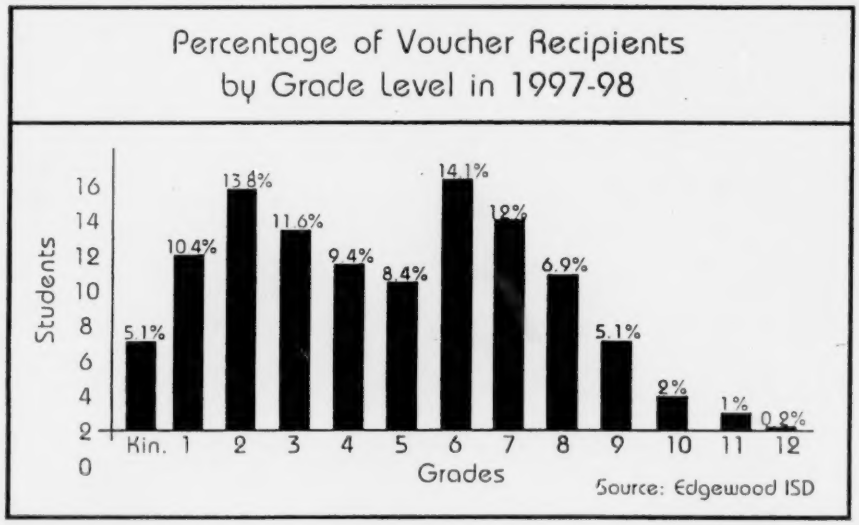
Elementary (8.6 percent) in the area bordering Kelly Air Force Base; the lowest percentage was from Accelerated Middle School (0.6 percent).



What were the demographic characteristics of the voucher recipients?

Finding: Gender is not a factor influencing CEO Foundation voucher participation.

- There were slightly more females than males who received vouchers (50.7 percent compared to 49.3 percent).

Finding: The CEO Foundation voucher student population closely resembles the district's racial and ethnic profile, though African American students participated at rates lower than their proportion of the Edgewood ISD student population.

- Although most of the voucher recipients were Hispanic (98 percent), most were *not* limited-English-proficient (LEP) (83.1 percent).

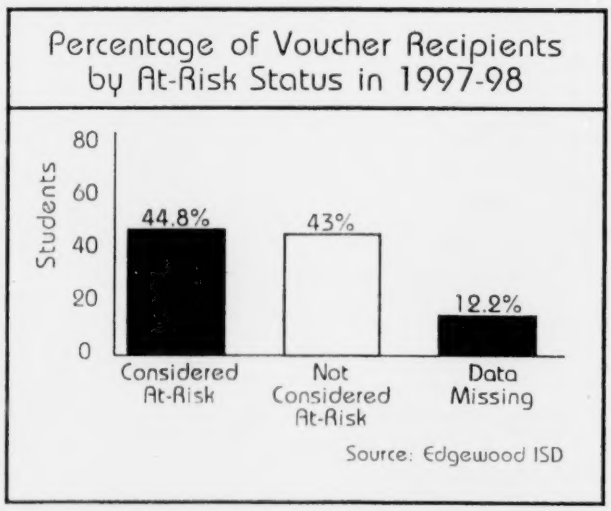
Finding: Edgewood LEP pupils were under-represented among CEO Foundation voucher recipients. Only 16.9 percent of voucher recipients were LEP, compared to a 22 percent LEP enrollment in Edgewood ISD as a whole.

Finding: Given that the CEO Foundation limits eligibility to low-income pupils, all CEO Foundation voucher recipients qualified for free or reduced price lunch program.

- All of the students qualified for free or reduced price lunch (a qualifying criterion).

Finding: Edgewood ISD students who were identified as not being in "at-risk" situations were overrepresented as CEO Foundation voucher recipients.

- Forty-three percent of the voucher recipients were not deemed as being in at-risk situations (almost 12 percent of the data were missing from this variable, so the percentage could be higher or lower). See box at right.



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Percentage of Voucher Recipients by Campus in 1997-98

Campus	1997-98 Campus Enrollment	Number of Voucher Recipients	Voucher Recipients % of Campus Enrollment	Percent of All Voucher Recipients
H.K. Williams Elementary	***639***	***42***	***6.6***	***8.6***
Emma Frey Elementary	***575***	***40***	***7.0***	***8.1***
Loma Park Elementary	810	39	4.8	7.9
Johnson Elementary	***544***	***36***	***6.6***	***7.3***
Gonzalez Elementary	***458***	***36***	***7.9***	***7.3***
Winston Elementary	668	32	4.8	6.5
Stafford Elementary	704	25	3.5	5.1
Perales Elementary	613	24	3.9	4.9
Hoelscher Elementary	501	22	4.4	4.5
Coronado/Escobar Elementary	665	22	3.3	4.5
Roosevelt Elementary	***340***	***22***	***6.5***	***4.5***
Truman Elementary	555	21	3.8	4.3
Gardendale Elementary	539	20	3.7	4.1
Memorial High School	1532	18	1.8	3.7
Brentwood Middle School	674	18	2.7	3.7
Las Palmas Elementary	343	15	4.4	3.1
Wrenn Junior High	503	12	2.4	2.4
Cenizo Park Elementary	495	12	2.4	2.4
Gus Garcia Junior High	598	11	1.8	2.2
Cárdenas Center	***95***	***10***	***10.5***	***2.0***
Kennedy High School	1623	6	0.4	1.2
Burleson Elementary	392	5	1.3	1.0
Accelerated Middle School	151	3	2.0	0.6

Denotes highest percentages among 23 campuses

Source: Edgewood ISD

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Finding: Voucher recipients who were chosen by private schools were already achieving at higher levels than their public school peers.

Before receiving vouchers, students who would later receive vouchers outperformed non-voucher recipients on the Texas Assessment of Academic Skills (TAAS).

- LEP voucher recipients outperformed LEP Edgewood ISD students on the TAAS at both the elementary and middle school levels.
- Non-LEP voucher recipients outperformed Edgewood ISD non-LEP students on the TAAS at both the elementary and middle school levels.
- Elementary level LEP voucher recipients outperformed Edgewood ISD non-LEP students on various sections of the TAAS.

Opponents of private school vouchers point out that the choice is ultimately based on what parents can afford – with some parents having many more options than others. When one adds the need for transportation or any specialized services for pupils that are not provided in many private school settings, the limitations of so-called "choice" proposals can be quite extensive. Added to those limits is the fact that most private schools will insist on maintaining their right to reject any applicant, as they do now. Clearly private schools – not the parent as often implied by voucher proponents – have the real choices.

A deeper problem is the voucher proponents' depiction of vouchers as being like food stamps. The new "education stamps" will be provided to "the needy." But many people in communities know too well the restrictions and stigma associated with food stamps. Similarly, vouchers leave the choices about using education stamps ultimately with the receiving private schools (Robledo Montecel, 1999).

"There should be equal opportunities for all the kids regardless of where you live. I would like to see the money go into the public schools instead of to certain individuals."

– Sylvia Rodriguez, parent in Edgewood ISD, San Antonio (Interview, 1999)

"I believe the use of vouchers could seriously undermine the public school system that is not as badly out of whack as politicians portray it. Through much of our history, the public school system has been a major force in maintaining our democracy. If we are going to expend legislative energy on matters of education, then let it be to improve the public schools. Our public schools need to keep pace with what is happening in a rapidly changing national society and in the world community."

– Thomas E. Kelly (Letter to the Editor, *San Antonio Express-News*, August 12, 1998)

Voucher programs do not significantly improve educational achievement of students.

Some voucher proponents claim that *their* primary interest in creating a publicly-financed education voucher program stems from an overriding concern with the quality of education available to some children enrolled in public schools. (It is noteworthy that many voucher proponents do not suggest that we support vouchers for *all students* or for all communities.)

IDRA and other student advocate organizations have chronicled the dismal performance of many schools, particularly those serving high concentrations of students who are in low-income families, who are minority and who are at the early stages of learning English. National reports dating back to *A Nation At Risk* document that many public schools are not adequately serving significant segments of the school population (U.S. Department of Education, 1993). IDRA research and national studies have documented the fact that dropout rates are drastically high for Texas students, with statewide attrition rates of 42 percent overall, 49 percent for African American students and 54 percent for Hispanic students in 1997-98. Research by the National Center for Education Statistics also reveals that low-income pupils in all parts of the country score far below more affluent pupils on most standardized tests. Few would argue that many schools must do more and be more successful in providing quality education to students.

Some corporate and business persons who support the financial reallocation inherent in vouchers do so because they believe that public schools can be spurred to improve by business competition. For these voucher proponents, education should operate like a business, with the assumption (as yet unproven) that merely opening schools to competition will force them to improve – or go out of business as they lose their student base.

"While I am pleased that kids can access something they would not have a chance to access, the whole initiative of vouchers could be a smoke screen for something else in the long run – the demise of public schools."

– Jimmy Vasquez, former Edgewood ISD superintendent
(*San Antonio Express-News*, April 25, 1998)

But, little research is offered to substantiate this contention. Pressed on the issue, voucher proponents at best offer anecdotal examples that provide little basis for the large amount of public funding reallocation that would result from a full-fledged voucher funding approach. Though private schools are not a new phenomenon, proponents offer little evidence that their existence has prodded local public schools to improve their performance.

Recent studies of private firm management of public schools in Hartford, Connecticut, suggest that new, critical problems surface when schools are turned over to for-profit operations (Miner, 1996). Concerns with lower than desired profit margins in some schools prompted private sector managers to cut essential support services, resulting in the failure of the for-profit operation to adequately serve certain students – such as those in special education and students with limited English proficiency. Cost-saving measures also resulted in the exclusion of selected pupils who were perceived as negatively impacting a school's potential to turn a profit. While initially seen by some as a

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promising alternative, private for-profit management of public schools is becoming less attractive as research on existing efforts has surfaced.

Voucher opponents acknowledge that public schools are not serving many pupils well. In contrast to the voucher emphasis on removing the chosen few, they would support continuing reform of the public education system. So what reforms have been initiated by public schools and what are we finding out from those efforts?

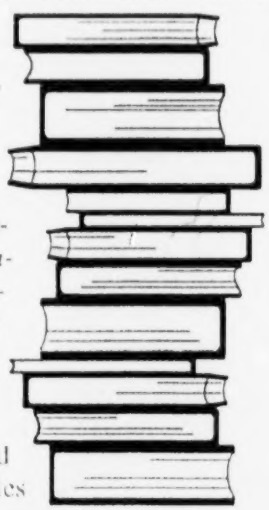
One critical reform effort has focused on providing greater equity in the financial resources available to educate pupils in school districts of varying wealth. Dating back to the 1960s, *school funding equity* proponents have undertaken distinct efforts to reform state funding systems using either legislative-based or litigation-based strategies. These efforts have culminated in a major revamping of school funding systems in numerous states, resulting in greater equity in funding and, in many cases, an overall increase in the level of state support for education. In Texas, decades of school finance reform led to a major reduction in school funding disparities and a multi-billion dollar increase in funding for public education. As a result, many Texas schools have just recently been given the resources they need to reform effectively.

"Vouchers are a pessimist's response to the problems facing some of our public schools."

– Richard W. Riley, U.S. Secretary of Education (Speech, September 23, 1997)

States also have undertaken major changes in their *education performance standards and accountability systems*. According to reports compiled by the Education Commission of the States (ECS), a national educational policy research group, the majority of states have considered and implemented standards-based reforms (1998). These efforts have emphasized developing greater clarity in the educational outcomes expected of all pupils enrolled in public education systems. IDRA suspects however that states found most successful include those that provide resources to effectively implement the reforms required to achieve those standards.

A third major reform effort has evolved from the increasing emphasis on creating national and state educational standards. The *national goals* movement initiated during the Bush administration in the early 1980s and continued by subsequent administrations as *Goals 2000* shepherded a parallel emphasis on the development of accountability systems that would allow public policy-makers to track student and school progress toward meeting those goals.



The reform trend spawned a major revamping of the *Elementary and Secondary Education Act*, currently referred to as the *Improving America's Schools Act (IASA)*. The federal government moved in a new direction in school reform that emphasized reforms involving entire schools and increased flexibility in using federal monies to support and supplement state-initiated reform efforts. States

like Kentucky, Connecticut and Texas pushed major legislation to improve the public education systems supported by their taxpayers.

Voucher proponents make claims that public schools will be improved by having to compete for students, but there is little evidence to support that claim. Much of their claims are based on little more than anecdotal evidence and overgeneralizations from limited, often small-scale programs.

The little comprehensive research that has been conducted on the issue has often been found to be less than convincing and, at times, replete with methodological flaws inherent in the research designs used.

Researchers examining the Milwaukee voucher program found that few students benefitted from the program, and more than half of the original applicants wound up re-enrolling in local public schools (Separation of Church and State, 1998). Data comparing the academic performance of voucher recipients and public school pupils shows that, after controlling for important factors, there is little difference in the academic performance levels of voucher pupils enrolled in private schools and public school pupils (Nelson, 1996; Viadero, 1998). Studies evaluating the voucher program in Milwaukee have produced no conclusive results. The state commissioned a neutral five-year evaluation by John Witte et al. at the University of Wisconsin. The study found public school students performing at least as well as voucher recipients (Witte, 1997).

The Ohio Department of Education contracted an Indiana University team to provide a neutral, independent evaluation of the Cleveland voucher program. The team released the first part of its three-year evaluation in March 1998. Comparing the academic achievement of third grade voucher recipients with third grade public school students, the study found no significant difference in academic achievement. After a year in the program, voucher students had not significantly improved their reading and math scores (Metcalf, 1998).

The second year of the Cleveland study tested Hope Academies, new private schools that sprung up specifically to take advantage of vouchers. Results show that voucher students performed dramatically worse in all subjects than either their public school students or other voucher recipients (Walsh, 1998).

In San Antonio, research revealed that during the initial phase, the privately-funded CEO voucher program suffered from a 50 percent dropout rate from the program. More importantly, there was no difference in the educational performance of pupils who had taken advantage of local district public school choice programs and those opting to use privately-funded vouchers to attend local private schools (Godwin, Kemerer and Martinez, 1997).

While proposing radical ideological shifts in education organization and funding, voucher proponents have little research evidence to support many of their contentions. Too often, claims of success are based on weak anecdotal references that lack credible research evidence.

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At other times, voucher proponents point to client satisfaction and other qualitative information that offers little evidence of real academic effectiveness in these programs.

Further, much of the research that is cited by voucher proponents either was conducted by institutions that support vouchers or was conducted specifically for them, casting serious questions on the objectivity of the research efforts themselves (Metcalf, 1998; Muir and Nelson, 1998). For example, a study by voucher propnents Paul Peterson et al. has been severely criticized for biases and unorthodox methodology. The study does not compare the gains of voucher recipients with their counterparts in the Cleveland public schools. It is based on the results of an old, invalid form of the California Achievement Test. It lumps together results for students in grades kindergarten through three, suggesting that differences among grades are being masked. Furthermore, the researchers tested the voucher recipients within the same school year (fall and spring), an approach that has been widely rejected by test experts as producing artificially positive achievement gains (U.S. Department of Education, 1997).

In another case, the evaluation of the Edgewood ISD-focused CEO Foundation program is being conducted by a research team whose previous work has been criticized as flawed (American Federation of Teachers, 1999).

Private schools in Texas do not have the capacity or capability to absorb large numbers of poor students.

More than 50 million students are enrolled in public schools around the country. By contrast, less than 5 million students currently attend private and religiously affiliated schools (NCES, 1997). Can private schools really absorb the numbers of pupils that might explore the use of educational vouchers?

In Texas, voucher proponents conceded that *as currently operated* Texas private schools could absorb no more than 1 percent (30,000 of the 3.4 million) of students enrolled in public schools (Dougherty and Becker, 1995). No doubt one would find similar capacity issues in other states. In most voucher programs, the number of vouchers being subsidized is limited to a small percentage of district and state public school enrollments. Selection for participation is often done by lottery, so the luck of the draw is a major factor in determining who has the voucher option made available. While some voucher proponents purport that the private school capacity can be expanded to accommodate increasing demand, most concede that facility capacities will grow in small increments, in part because the cost of new school construction and expansion is often not factored into voucher funding formulas and thus would require additional public funding. Faced with limited space, it is doubtful that private schools would abandon long-standing practices of competitive admissions based on testing and past aca-

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"Moreover, education is all about fixed costs: the cost of teacher salaries, the cost of supplies, technology costs, utilities costs, and building maintenance. If a voucher system were established, some students would use vouchers to enroll in private schools, but most students would remain in their public schools.

For example, if four students out of a class of 22 left their public school with vouchers worth $4,000 each, the public school would lose $16,000. Because 18 students would remain in the class, the school would still have to hire a teacher, keep the lights and air conditioning on in that classroom, keep the building in good repair, and maintain technology in the school. Fewer desks and chairs and textbooks, and other incidental supplies would be needed, but those savings would be minimal.

In other words, vouchers will *not* save schools money; rather, if a voucher program were implemented, public schools would be left with depleted resources to meet the same *fixed* costs."

– Jackie Lain, attorney, Texas Association of School Boards
(Texas Lone Star, March 1998)

demic performance and discontinue recruiting the more educated and affluent constituencies that they have historically chosen to serve.

While some private schools have indicated they would be willing to admit "voucher students" on a lottery basis, we have seen no commitment to continuing such lottery-based practices after an initial pilot phase. The Cleveland program's lottery component was intended to ensure fairness by randomly selecting students to receive vouchers. But, this year, the lottery took place more than two weeks before applications were even due, calling into question the program's fairness (State of Ohio, 1999).

Many private schools have made it clear that while they favor becoming recipients of public tax monies, they oppose state-imposed admissions requirements for their schools. When vouchers are supplied to a small number of students to leave their public school, the negative effects are great. When only two or three students leave a public school classroom, the cost of operating that classroom to educate the

Survey of Accredited Private Schools in Texas

Admission Criteria

- 83 percent of respondents are unwilling to admit students regardless of their academic record.
- 88 percent are unwilling to disregard disciplinary history.
- 26 percent want to take religion into account.
- 8 percent do not want to admit students regardless of nationality.
- 87 percent are unwilling to provide special education services for voucher recipients.
- 90 percent do not want to provide bilingual education services.

Costs for Parents

- 94 percent of responding schools do not provide transportation services to students presently.
- 91 percent are unwilling to change this fact for voucher recipients.
- 79 percent expect parents to provide funds in addition to regular tuition for extracurricular activities (nearly all of these schools request or require parental involvement in fundraising activities).

Accountability Standards

- 62 percent of responding schools are unwilling to administer the Texas Assessment of Academic Skills (TAAS) test.
- 70 percent did not want to use the TAAS for grade promotion.
- Half of the schools do not want to comply with financial audits by the Texas Education Agency, the Open Meetings Act, or state nepotism laws.

– Office of Senator Gonzalo Barrientos, "Survey Shows Private Schools Opposed to Proposed Voucher Program," news release (April 12, 1999).

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remaining students does not decrease correspondingly. There still has to be a teacher, lights and heat. The desks and books cannot be sold off to make up the difference. Construction and other debts still have to be paid. So, the school has to get by with less.

Furthermore, those parents of children already in private schools will have a legitimate reason to question their exclusion from this government subsidy of vouchers. As has already occurred in some places, such questions could lead to expansion of voucher programs to the even greater detriment to this nation's children, the majority of whom are served by neighborhood public schools.

"Vouchers can undermine efforts to strengthen troubled public schools and allow the state to abandon its responsibility to educate all children properly."

– Editorial Board,
Austin American-Statesman
(March 27, 1997)

Private schools would have to change in order to be eligible to receive state funding.

Vouchers would destroy the "private" in private schools. Private schools that accept tax-funded vouchers will most likely have to change their admission requirements, implement state-required testing, comply with discipline and expulsion laws and allow voucher recipients to be exempted from religious activities.

Nationally, religious schools account for 79 percent of private schools and enroll 85 percent of private school students. The influx of public dollars to private, unregulated schools would cause increased pressure for greater public scrutiny and accountability for these public expenditures. Such pressures could affect the unique mission and curricula of these schools. Few are likely to give up their religious mission in order to overcome constitutional barriers to receiving public funds.

A survey of accredited private schools in Texas released by State Senator Gonzalo Barrientos shows an overwhelmingly negative reception to a potential voucher program if the schools are held to certain state accountability measures required of public schools (see box).

"These privately-funded voucher plans are using parents to build support for publicly-funded vouchers. They are dividing our communities... Giving up on our neighborhood public schools means giving up on our communities."

– Dr. María Robledo Montecel, executive director, Intercultural Development Research Association (Speech, March 1999)

The main proponents of vouchers are the same forces that have historically opposed equal funding for all students.

Critics of public schools acknowledge that schools have initiated various education reforms. They argue that parents, students and communities cannot wait for the time it will take to spread effective reforms across all schools. Instead, they propose that by offering state-funded vouchers, students and families can be provided immediate relief. Voucher proponents argue that we should not wait for new reforms to take hold and expand, when other options are available for a few – if financial resources to subsidize those options are made available.

Yet, the main proponents of vouchers are the same forces who have historically opposed school finance equalization. In Texas, their records reveal the following (Lara, 1999):

- 89 percent of today's House voucher supporters voted against constitutionally guaranteeing an equitable system of school fund-

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"At a time when Texas is struggling to provide adequate funding for public education, a move to further burden the public schools by siphoning funds into private institutions is mistaken."

– The Reverend Larry Bethune, Ph.D., University Baptist Church, Austin, 1997

ing.

- 81 percent opposed limiting class sizes in grades kindergarten through four.
- 87 percent of them nixed a ban on hiring uncertified and untrained teachers in public schools.
- 82 percent favored a measure that would allow discrimination in private school admissions policies.

Until equalization funding policies were adopted in Texas, schools were limited in the reforms they could take on. For many schools, the first chance to have the resources necessary to really begin reshaping themselves began less than two years ago.

Vouchers would give a new government subsidy to private schools and wealthy parents with children already in private schools.

For many private schools and their proponents, vouchers are simply a way of getting money into the hands of the parents who already have their children enrolled in private schools. For private school parents, vouchers are seen as a means to decrease the financial impact of tuition payments because they have chosen to forego a free public education. The idea is that vouchers would "reimburse" them for their private school tuition payments.

Private school proponents also see vouchers as a means of expanding the pool of prospective students by making private schools more affordable to more students. With an increased prospective student pool, privately operated schools can be *even more selective* and expand their operations.

Often ignored are the financial implications associated with public subsidies for students who are currently not in the public education system. At an average cost, for example, of $5,000 per pupil – the current Texas state average – Texas would need to raise an additional $500 million to cover the cost of new students added to a publicly-financed private school system.

After analyzing the voucher proponents' positions, it becomes clear that the movement is concerned with saving a few pupils or schools at the expense of the many. Though almost never conceded, vouchers are perceived by some primarily as an escape hatch that will benefit a few students who are currently excluded from private school systems. Others recognize that pilot studies are the precursors to much larger scale programs that will ultimately benefit a larger constituency, including those affluent families who *already* have children enrolled in private schools. Although diverting public funds to private schools will not mean the total elimination of public schools, it will damage the quality of services available to remaining students.

A special state audit of the Cleveland voucher program criticized the voucher program for lax financial controls and reported that the

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program lacks proper guidelines as to who can participate. The auditors found that, while the vouchers were supposed to go the children of low-income families, a large number have been awarded to families with annual incomes ranging from $50,000 to $80,000 (DiFilippo, 1999).

In addition, the Cleveland voucher program has awarded vouchers to families whose children have *never* attended public school. Only 33 percent of the voucher recipients were from public schools, 42 percent were kindergartners with no prior school experience, and 25 percent were students already enrolled in private schools (Metcalf, 1998). Program administrators have also violated compliance with eligibility requirements by failing to verify residency and guardianship of applicants (State of Ohio, 1999). The state audit was ordered when an independent accounting firm could not make sense of the program's incomplete records and sparce financial controls.

The integrity of the voucher program in Milwaukee lies in the promise that eligible students will be selected at random to receive vouchers. But, 17 of the 88 voucher-accepting schools disregarded nondiscrimination requirements, and another 18 may have violated state law related to admissions (Borsuk and Williams, 1999). Despite the program's promise to serve low-income students, Milwaukee is considering opening its program to wealthy families (Jackson, 1998).

Furthermore, only 1,000 of the 6,000 voucher recipients came from Milwaukee public schools, and 4,550 had already been attending private schools (PFAW, 1998).

While some voucher proponents may not have self-serving intentions, they are joined by others whose motives are far less pristine. For a subgroup of voucher proponents, the abandonment and disenfranchising of public schools is seen as a critical part of a larger scale move toward privatizing education – that is, providing educational services for *profit-making purposes*. For the profit-oriented groups, the establishment of privately-financed and privately-operated schools *requires* the dismantling of existing school funding mechanisms, so the capital that was directly funneled through public institutions can be made available to "free market" competition.

This group tends to refer to public schools as having a "monopoly" that keeps out competition through its funding approaches. For these, adoption of vouchers on any level provides an opportunity for them to compete in markets that historically have been unavailable for profit-driven providers.

As noted earlier, converting public education into a profit-making venture makes children and communities susceptible to marketing techniques and sophisticated sales pitches in an environment that has far-reaching consequences for the children involved. Past experience with for-profit post-secondary training schools and technical schools has provided a glimpse of the potential abuses that can come from profit-driven educational enterprises.

Additionally, emerging research on privately managed public schools lends credence to policy-maker concerns that the drive to make money

"It is not time for school reformers to celebrate private victory gardens for a selected few, when what is needed is an amber-waves-of-grain commitment to serve all students in our public schools. A voucher system, regardless of the amount of money provided, can only accommodate a minimal number of public school students. To think of vouchers as a credible solution to the problems of public education is to disregard most of America's students."

– Gerald Tirozzi, U.S. Department of Education (*Education Week*, April 23, 1997)

"Instead of scrambling for lifeboats, let's build great ships of hope that will provide safe passage for all of our young people."

– Coretta Scott King
(Quoted by Council of the Great City Schools, 1997)

will be achieved through cutting of services to special needs pupils or the total exclusion of groups who private operations see as "low-profit" clientele. In fact, research on vouchers in Chile and other countries show that vouchers create a dual system of education – separate and unequal (Carnoy, 1997).

Investing in our neighborhood public schools is investing in our community.

After a 30-year fight for equity in funding public schools in Texas and other states, the gap between rich and poor is narrower than it has ever been. There is a public accountability system that has begun to give information about how schools are doing with every group of children in every kind of public school – rich and poor.

There are public schools – like those of the Ysleta Independent School District in El Paso – who do not see their status as a district with high concentrations of minority students and poor students as a disadvantage. In fact, since 1996 when they opened their doors to students from other districts, Ysleta ISD enrolled 2,000 students from neighboring districts who were impressed with the performance of district's students.

The Texas Education Agency is now studying some bilingual schools for their outstanding success. We have schools with lots of children who do not speak English and who are poor that are producing excellent results with no excuses.

Programs such as the IDRA Coca-Cola Valued Youth Program (an internationally-recognized cross-age tutoring program) dramatically demonstrate how public schools can transform themselves. Since its inception in 1984, the Coca-Cola Valued Youth Program has kept 5,500 students in school, young people who were previously at risk of dropping out. According to the Valued Youth creed, *all students are valuable, none is expendable*. This philosophy is helping more than 159 schools in 16 cities keep 98 percent of Valued Youths in school, keeping these young people in the classroom and learning. In the 1996-97 school year, less than 1.2 percent of Valued Youth tutors dropped out of school, compared to a 29.4 percent dropout rate for U.S. Hispanic students and an 11 percent national dropout rate.

"All Texans have a vested interest in seeing that every child has the opportunity for a quality education and that every child has the opportunity to make his or her best contribution to our common life. The best way to provide assistance to low-performing students is not to weaken the public education system, but to strengthen it."

– The Reverend Larry Bethune, Ph.D., University Baptist Church, Austin, 1997

Private school vouchers take the focus away from increasing funds and resources for public schools that are accountable to all of us. Instead, they focus favor on spending public monies for private purposes with no accountability to the taxpayer and no mandate – and in some cases no desire – to educate *all* children.

Publicly funded vouchers are in fact taxation without representation. "School choice" is choice for *schools*. It provides no choice for parents, particularly not for poor parents, their children or their communities. Public funding should focus on improving public education instead of using public money on private school businesses. America needs *all* of its children to be educated, not just a select few.

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A Closer Look

Listening to Parents

"I don't like school vouchers because I think this is just an excuse to close our public schools. I have three children in Edgewood schools and haven't had any trouble with their grades. They're all doing great... I think that publicly-funded vouchers would create a dual system of education... one for the rich and one for the poor."

– Leticia Padilla, parent
(Letter to the Editor,
San Antonio Express-News,
April 1999)

Below are responses from parents on the subject of publicly-funded private school vouchers and their effects on the education of all children and their community. Responses were obtained through focus group interviews and one-on-one interviews. In the participants' answers there are references to the north side of the city, which is usually held as the part of town with greater resources. Alamo Heights is a section of Bexar County that is affluent and whose public schools are well-equipped. This is in contrast to the Edgewood Independent School District (ISD), which is predominately Hispanic with a high percentage of economically disadvantaged students and has historically been a district with low property tax wealth. Edgewood ISD is also well-known in Texas for being the lead plaintiff in a historic lawsuit against the state for inherent inequities in the former method by which public schools were funded.

What do "vouchers" mean to you and how do you feel about public money going to private schools?

"I think that the public money should stay in public schools."

– *Celia Rodriguez, a concerned and active San Antonion residing within San Antonio ISD*

"I want to know where these men, these CEOs, get off in coming in [here]. But I did some research. When I first saw Walton's name on the list of the directors, I said to h--- with this man. I'm not going to go to WalMart any more.

We had a board meeting at [our elementary school]. I had never seen so many media come out of the woodwork for a board meeting. But I'm going to quote what one of my volunteers said. Her daughter is in a gifted and talented program. That parent is very involved in the community; I'm saying church, school and home, in everything. She has three children. Her comment was, 'I was asked, why didn't you apply to get one of those vouchers?' Why should I want to go anywhere else when my child is already receiving a very good education?'"

– *Grace Garza, a grandmother and an employee of Edgewood ISD*

"To begin with, there should be a separation of public institutions and the private. They are also taking money away from our children. If you want to send your child to private school, that is your right, but to me it's an injustice to take money that is needed more in the public schools. To me this was not an angel helping Edgewood. They're just

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trying to destroy the public education system, and they are masking it by saying they are helping the poor... we are supposed to help *all* children.

Here in the United States all children should have the right to a good quality education, not just the elite. Everyone should get it. No child should be denied.

Many jobs could be lost. People would be displaced. The neighborhood would go down."

– Martha G. Ortiz, a vocal and active parent in Harlandale ISD

Who would benefit the most from vouchers?

"Sería un derrumbe. Porque no todo el mundo puede mandar a sus niños a las escuelas privadas. De hecho yo no pude. Para mi eso sería desastroso. ¿Qué le pasaría a esta comunidad? ¿Van a aceptar a todos mis niños? ¿A todos los niños Latinos con mis impuestos?

[It would mean a collapse, because not everyone in the world can send their children to private school. As a matter of fact, I can't. For me, it would be disastrous. What would happen to this community? Are they going to accept all my children? All Latino children with my taxes?]"

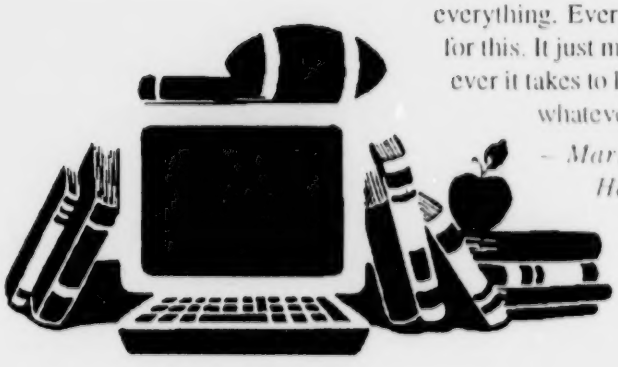
– Clementina Padilla, a grandmother in Edgewood ISD

"I'm very much against it [vouchers]. I don't care if it's a poor school district or one like Alamo Heights. Public funding should be shared by all public schools. If you want your child in a private school, you should pay for it out of your own pocket. The only thing it'll do is weaken the public system and make it go down. I'm talking about maintenance, I'm talking about teachers, I'm talking about everything.

Private schools *exigen a los padres que vendan esto, que vendan lo otro* [require parents to sell this and sell that]. It's not going to stop.

It would mean the deterioration of the buildings. As it is, it's tough deciding this because of the hard heads on the *mesa directiva* [school board]. This means a lot less money for books, a lot less money for everything. Every student should have a book, there's no excuse for this. It just makes my blood boil. How dare them. I'll do whatever it takes to help Edgewood, to speak against vouchers. I'll do whatever it takes."

– Martha G. Ortiz, a vocal and active parent in Harlandale ISD



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"For every 10 students who leave with vouchers, the public school loses a teacher. For every 25 students who leave, a program is lost (like art, music or foreign language). And for each 100 students who leave, the public school loses the equivalent of five classrooms. When too many students leave with vouchers, we turn out the lights and close schools in the parts of our neighborhoods where we need them most."

– Sen. Eliot Shapleigh (D-El Paso) *(San Antonio Express-News,* May 8, 1997)

"Oh, it's going to affect it [my neighborhood] greatly because more kids are going to go to the private school so our school district is going to have less monies. Then after a while they're going to have less teachers, less money to spend on the kids as a whole that we have there, and we're going to lose more of our kids... the families that can't afford schooling for a better education. This is their one chance, that's how they see it. And if you have too many of those people doing that, the school district is going to go way down, way down."

– *Sylvia Rodriguez, an active parent in Edgewood ISD*

If you had a choice to use this money to improve your neighborhood public schools or send your child to private school, what would you do?

"Improve my neighborhood schools."

– *Grace Garza, a grandmother and an employee of Edgewood ISD*

"I would take the public schools because if it's the private then it's just your individual children, but if it's the public schools, that affects all kids. You do get a portion of it as well as everyone else and everybody goes up together."

– *Sylvia Rodriguez, an active parent in Edgewood ISD*

"Yo mejoraría la educación al nivel escolar de las escuelas en mi comunidad. Siempre habrán niños en estas escuelas y los edificios. Ese dinero lo quieren para ayudar a unos cuantos y no a todo los niños, no a toda la comunidad.

[I would improve education at the school level in my community. There will always be children in these schools and buildings. They want that money to help just a few and not all children, not the whole community.]"

– *Clementina Padilla, a grandmother in Edgewood ISD*

"I believe that the children of Edgewood ISD – and poor and minority children everywhere – deserve more. They deserve more than charity for the few. They deserve – as children in rich neighborhoods have come to expect – the best public schools."

– Dr. María Robledo Montecel, executive director, Intercultural Development Research Association (Speech, March 1999)

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A Mother's Story

Louise, like every mother, would do anything for her child. Louise speaks mostly Spanish, yet she knows how to make herself heard in an English-speaking world when it comes to the well-being of her only child, Denise. "*Todos me conocen, hasta la maestra, la directora y la superintendente Muñoz* [Everyone knows me, even the teacher, the principal and the superintendent]. I always take her to school and pick her up, and she feels better when she sees me. I make sure to stop in to her classes when I get a chance. I'll go to any of her classes. The teachers know me already. I want to make sure that my daughter is taken care of."

"Here in the United States all children should have the right to a good quality education, not just the elite. Everyone should get it. No child should be denied."

– Martha G. Ortiz, parent in Harlandale ISD, San Antonio (Interview, 1999)

Denise is a 15-year-old student at one of the high schools in the Edgewood Independent School District (ISD) on the west side of San Antonio. She was born with cerebral palsy. "She is a slow learner. She does not walk. She does not talk," explains Louise.

Denise has been in Edgewood ISD schools since she was a newborn, after Louise discovered that her daughter was born with cerebral palsy. "I took her in for physical therapy at the José A. Cárdenas Center. The staff was so supportive, and it was so difficult to part with my daughter. I knew that she was special, and I was so protective with her. But the staff taught her how to eat and taught me how to make sure that she did not choke when she ate. They worked with my daughter and taught me how to feed her and work with her too."

After living almost a decade out of state, Louise and Denise came back to San Antonio. "I immediately came back to the Edgewood schools. They had given me so much support when I needed it the most. I knew that's where Denise would go to school."

Always in search of better opportunities for Denise ("one always wants the best for her children"), Louise heard the announcement from a private foundation, the CEO Foundation, that families living within Edgewood ISD could receive a voucher to attend any private school of their choice within the district boundaries. Immediately, Louise began to research what schools could take her daughter. Driving around San Antonio, she took every opportunity to look for a place with special facilities for children like Denise. It did not take long before Louise realized that many private schools do not serve children with special needs.

"Each school I went to asked me about my daughter's academic performance in school. When I would tell them that she is a child with special needs, they looked at me as if they did not understand what I was saying," Louise says with a sigh.

"Then they looked at me as if I had no right to be there and they told me that they did not accept children with disabilities. They were discriminating against my child. They have no right to discriminate against children like that. I was so disheartened, I stopped looking." Louise felt demoralized.

Once the private schools had chosen to reject Denise, Louise turned

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her attention back to Edgewood ISD, Denise's first school, the school that had not only accepted her and her special needs but helped her achieve. And Denise is happy at her school. "Oh, yes! She knows all the children in her classes, and she feels at home there. The teachers are always looking for new ways to challenge Denise. Recently, they asked me if I had considered putting her in drama class. I hadn't, but they thought it would be a very good experience for her. The drama teacher never had a child with physical disabilities in her class, but she was willing to try it out."

Denise loves drama class! "It is difficult for her to accept new people, but she readily accepted the teacher and all the students. The teacher said she even noticed a difference in the other students, who also readily accepted Denise. Denise enjoys being part of the skits."

Louise is thrilled with the support she has received toward her daughter's education: "The school supports me so much. They give me scholarships to attend conferences and other events that will help me understand Denise's disability and get new information about children who are physically disabled. They even have funds – I don't know from where – but they have funds to give mothers with disabled children a day off. They send the children to San Antonio Respite Care so that we can have time to straighten up the house and take care of errands. I am so attached to Denise and it is hard to see her go, but I feel that the time apart helps her spend time with other children like her. She has no siblings. It also gives me time to take care of things I need to get done."

Louise has observed first-hand what vouchers are and the kind of impact they are having on students in Edgewood ISD: "It hurts me so much that they took these students from Edgewood and the money too. They took the better students and that's discrimination. These children [with disabilities] are human beings. That is what hurts me more. Children are not to be chosen, it is the teachers and schools that are chosen."

"The attempts to spend public monies for private purposes vary in details but have several similar characteristics. They are unconstitutional; regressive, offering welfare for the well-offs; unfair, favoring the 80 percent of the church schools that belong to one denomination; destructive of the public schools, skimming off the strongest students and most involved families; an expensive new entitlement at a time of budget cuts; escalatory and uncontrollable; undemocratic without a way for the schools with choice to be held accountable for the poor, the discipline problems, the children with learning or physical problems or transportation needs. Other than that vouchers might be all right."

– James M. Dunn, director, Baptist Joint Committee on Public Affairs (speech, September 1997)

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The following groups and individuals oppose the funneling of public money to private schools through such mechanisms as tuition tax credits and vouchers.

AFL-CIO National Executive Council

American Association of School Administrators (AASA)

American Association of University Women (AAUW)

American Civil Liberties Union of Texas

American Ethical Union

American Federation of Teachers (AFT)

American Jewish Committee

Americans for Democratic Action

Americans for Religious Liberty

Americans for Separation of Church and State

Anti-Defamation League of B'nai Brith

Association for Supervision and Curriculum Development (ASCD)

Baptist Joint Committee on Public Affairs

Bexar County Superintendents

Coalition for Equity and Excellence in Public Education, San Antonio

The Coalition for Public Schools

Community Relations Council of the Jewish Federation of San Antonio

Council of the Great City Schools (CGCS)

Edgewood Independent School District, San Antonio

Families United For Education: Getting Organized [FUEGO], Texas

Fort Sam Houston Independent School District, San Antonio

General Conference of The United Methodist Church

Grupo de Los Cien, San Antonio

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League of United Latin American Citizens (LULAC)

Mexican American Legal Defense and Educational Fund

Mexican American School Boards Association (MASBA)

National Association for the Advancement of Colored People (NAACP)

National Association for Bilingual Education (NABE)

National Association of Partners in Education

National Coalition for Public Education

National Council of Jewish Women (NCJW)

National Education Association (NEA)

National Parent Teachers Association (PTA)

National School Boards Association (NSBA)

New Mexico League of United Latin American Citizens (LULAC)

Northside Independent School District, San Antonio

Parents for Public Schools

People for the American Way Action Fund

Religious Liberty Council

Rethinking Schools

San Antonio Chapter of the American Federation of Teachers

San Antonio Hispanic Chamber of Commerce

San Antonio Independent School District

South San Antonio Independent School District

Texas Association of Mexican American Chambers of Commerce (TAMACC)

Texas Association of Community Schools

Texas Association of School Boards (TASB)

Texas Baptist Christian Life Commission

Texas Counseling Association

Texas Faith Network

Texas Federation of Teachers

Texas Freedom Network

Texas State Teachers Association

Union of American Hebrew Congregations, Religious Action Center

United Automobile Workers of America

Wisconsin Education Association Council

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Research Questions

The research questions that guided this policy brief are the following:

- When did the concept of vouchers originate?
- Who are major proponents of voucher funding and what factors influence decisions to seek public funding for private schools?
- What does research on existing voucher programs reveal about:
  - ✔ Effectiveness of existing voucher programs,
  - ✔ Impact of vouchers on public schools,
  - ✔ Legal status of providing public funding for private and religious schools?
- How many students from the latest voucher experiment (Edgewood ISD, San Antonio) applied for vouchers from the CEO Foundation?
  - ✔ From which schools?
  - ✔ At which grade levels?
  - ✔ What were the major demographic characteristics of the students who applied (ethnicity; age, grade level; English languge proficiency status; free and reduced-price lunch eligibility; program enrollment [special education, migrant, bilingual/ESL, gifted and talented, advanced courses, etc.]; academic achievement indicators [TAAS TLI or scale scores, percentile levels and grade equivalent scores on other standardized achievement tests, grade point averages]; disciplinary action referrals; retention history; previous program enrollment including prekindergarten participation; family type [single parent, two-parent, etc.]; family size; recency of parents' immigration status; family income levels; education of parents, etc.)?
- How many students were awarded a voucher by the CEO Foundation?
  - ✔ How many of these students enrolled in private (or religious) schools? What were their demographic characteristics (see above)? In what schools did they enroll?
  - ✔ How many students received full or partial tuition vouchers?
  - ✔ How many students were awarded vouchers but were not enrolled in a private or religious school? What were the reasons for students not enrolling in private schools or using their vouchers? How many students chose to remain in Edgewood ISD schools?
  - ✔ Why were some students accepted and some not accepted?
  - ✔ How many students enrolled in private schools inside and outside of district boundaries?
  - ✔ Must students who receive CEO Foundation vouchers reapply for them each school year?

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Research Methods

The research methods used for this policy brief included the following:

- Review of literature on voucher programs.
- Secondary analysis of selected research reports examining voucher programs.
- Analysis of school district-based data on voucher recipients.
- Interviews with school personnel, parents and other individuals involved with and/or impacted by voucher programs.

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Students for Sale –
The Use of Public Money for Private Schooling
by Albert Cortez, Ph.D., Josie Supik, M.A., Anna Alicia Romero and Christie L. Goodman, APR.

Series coordinators: Albert Cortez, Ph.D., and María Robledo Montecel, Ph.D.

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First Edition

INTERCULTURAL DEVELOPMENT RESEARCH ASSOCIATION
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Students for Sale –

The Use of Public Money for Private Schooling

A policy brief excerpt

So much of what happens in our neighborhoods revolves around the local public school. It is where we send our children each weekday morning. It is where children gather after school for scouting, sports and other activities. It is where adults go to vote and to be a part of community events, town hall meetings and other forums. Relocating families and business owners consider the neighborhood schools and their perceived quality before choosing a location.

When the idea of public education in the United States was first conceived, the goal was to get children "off the streets." Later, people saw the value of developing students into capable and productive citizens in the society. A system was developed in which education would no longer be in the private domain enjoyed only by those who could afford schooling. A public schools built for the public interest rather than for the interests of a sponsoring organization. Public schooling has become the cornerstone of freedom, democracy and economic opportunity.

In recent years, a handful of special interest groups have tried to shift the country away from this promise. These groups present various compelling – sometimes contradictory – rationales, but their bottom-line goal is the same: to take public money from public schools and divert it to private schools.

With high-profile personalities and deep pockets, these groups have managed to lead some state policy-makers and concerned individuals to believe there is strong public support for such a radical change. They are mistaken. Voters have repeatedly opposed proposals to support private and religious schools with tax money.

Yet in 1999, several state legislatures have considered such proposals, mostly in the form of vouchers that would be given to families to supplement the tuition of a private school for their children. These states include Florida, New Mexico and Texas.

In 1997, conservative Texas lawmakers introduced a measure for a state-funded voucher program. The proposal was described as a small-scale experiment, limited to low-income pupils in the state's lowest-performing schools. The real objective of the proposal was to set state precedents for state subsidies for private schools. After extensive and often contentious debates, the Texas House of Representatives deadlocked on the voucher proposal. Due to strong opposition to the concept by a sizable number of state senators, the voucher legislation never made it out of committee in the Texas Senate.

However, encouraged by the support they received from a handful of representatives in the House, voucher proponents indicated that they would try again in the 1999 Texas legislative session. In March 1999, several such voucher measures were, in fact, proposed.

In the meantime, the 1998-99 school year has been one of changes for the Edgewood Independent School District (ISD) in San Antonio. Last year, without any meaningful consultation with the district, the private Children's Educational Opportunity (CEO) Foundation initiated a program promising vouchers to students in low-income families in the district to attend private schools. In this first year of the program, only 988 were approved, and 600 students were allowed to receive vouchers and enroll in private schools.

What are vouchers? Why are they being promoted as an alternative to the current public school system in Texas? Who are the major proponents of this idea? What effect do vouchers really have on public schools? These and other important questions are addressed in this policy brief.

Litigation

- ✔ *The Court of Appeals in Ohio struck down the Cleveland voucher program, ruling that it violates the constitutional provisions regarding the separation of church and state.*
- ✔ *In the most recent decision, the Maine Supreme Court ruled that providing state funding to religiously affiliated private schools violates the state's constitution.*
- ✔ *Voucher programs are being challenged in other states as well, including Arizona, Pennsylvania and Vermont.*

Recommendations

Based on the research presented in this policy brief, IDRA recommends the following.

- Public tax revenues should be used solely for support of public schools.
- Public policy should support and sustain the concept that investment in neighborhood public schools is investment in communities.
- *All* students should have access to community-based, equitably-funded, high-quality public schools.
- Schools that receive state tax monies should be subject to the same admissions and reporting requirements applicable to public schools.

- All publicly-funded education should strictly adhere to constitutional requirements related to separation of church and state.
- All publicly-funded education systems must be accountable to publicly-elected citizens from the community that they serve.

Findings at a Glance

- **State courts have been inconsistent in rulings** regarding the constitutionality of using public monies to support private schooling. U.S. Supreme Court rulings have required strict criteria to ensure that public funds do not subsidize religious instruction.
- **Diverting public money for private schools takes money away from communities, resulting in higher taxes for homeowners and businesses in the community.**
- **Private schools are not accountable to the public for their actions or results.**
  - ✔ Most private schools do not support public application, reporting and accountability requirements that are applicable to local public schools.
  - ✔ Though often initially limited to nonreligious schools, religiously affiliated schools are eventually included in voucher programs.
  - ✔ Voucher programs tend to attract the most academically successful students, students whose families have higher levels of education and those whose parents are most actively involved.
  - ✔ There is little evidence that private schools can effectively serve large numbers of special needs pupils (special education, limited-English-proficient, immigrant and migrant pupils), and there is extensive data that most private schools exclude pupils with special needs.
  - ✔ Private schools are often staffed by personnel with fewer credentials and experience than those in public schools, and only a percentage are accredited by an external review group.
  - ✔ Critical data about voucher recipients and their peers in private schools is neither required or reported. For the CEO Foundation voucher program in San Antonio, limited data was available on demographics of students, and no comparable data was available on student achievement.
  - ✔ There is no state accountability system in Texas established for private schools that receive public money.
- **Students already have education options within the public school systems through magnet schools, charter schools, inter-district transfers and intra-district transfers.**
- **With a voucher program, it is not the parents who have a choice. The private schools have the choice about which students to accept.**
  - ✔ On average, religious schools reject 67 percent of all applicants. Elite private schools reject nearly 90 percent of applicants.
  - ✔ Out of 13,500 Edgewood ISD students, only 600 were allowed to receive vouchers and enroll in private schools for the 1998-99 school year.
  - ✔ Edgewood ISD students who were identified as not being in "at-risk" situations were overrepresented as CEO Foundation voucher recipients.
  - ✔ The students who received vouchers had outperformed non-voucher recipients on the Texas Assessment of Academic Skills (TAAS) while enrolled in Edgewood ISD the previous year.
  - ✔ Edgewood limited-English-proficient (LEP) pupils were under-represented among CEO Foundation voucher recipients. Only 16.9 percent of voucher recipients were LEP, compared to a 22 percent LEP enrollment in Edgewood ISD as a whole.
- **Voucher programs do not significantly improve educational achievement of students.**
  - ✔ Despite claims to the contrary, there is no extensive empirical evidence that vouchers create competition that in turn improves the quality of local public schools.
  - ✔ There is emerging evidence that for-profit educational ventures under-serve or exclude students with special needs.
- **Private schools in Texas do not have the capacity or capability to absorb large numbers of poor students.**
  - ✔ In Texas, voucher proponents conceded that *as currently operated* Texas private schools could absorb no more than 1 percent (30,000 of the 3.4 million) of students enrolled in public schools
- **Private schools would have to change in order to be eligible to receive state funding.**
  - ✔ While some private schools are willing to accept voucher funding, most will reject any attempts to impact their student selection policies and practices.
- **The main proponents of vouchers are the same forces that have historically opposed equal funding for all students.**
- **Vouchers would give a new government subsidy to private schools and wealthy parents with children already in private schools.**
  - ✔ While touted as small-scale alternatives to public education, vouchers are ultimately intended to replace public schools with private, for-profit operations.
- **Investing in neighborhood public schools is investing in communities.**

This is an excerpt from the policy brief, *Students for Sale – The Use of Public Money for Private Schooling*, by the Intercultural Development Research Association (IDRA) Institute for Policy and Leadership. The publication is part of a series released in early 1999 on four key issues in education (the other issues are disciplinary alternative education programs, dropout and attrition rates, and in-grade retention). The series is designed to inform community and policy decisions during the Texas legislative session and beyond, and is coordinated by María "Cuca" Robledo Montecel, Ph.D., executive director of IDRA, and Albert Cortez, Ph.D., director of the IDRA Institute for Policy and Leadership. For a copy of the complete policy brief or others in the series see www.idra.org or contact IDRA at 5835 Callaghan Road, Suite 350, San Antonio, Texas 78228-1190; 210/684-8180; fax 210/684-5389; contact@idra.org ($7 each).

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- ensure that children who speak a language other than English benefit from quality instructional programs that **capitalize on students' language and culture**
- ensure that children in every neighborhood have **access to excellent public schools**

Assistance available from IDRA includes: professional development, research and evaluation, policy and leadership development, and programs and materials development.

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